EUROPEAN DATA PROTECTION SUPERVISOR

European Data Protection Board

**Call for Expressions of Interest**
2022/S 070-181896

corrigendum

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# "Establishment of a List of Individual Experts for the implementation of the EDPB's Support Pool of Experts"

## TECHNICAL DESCRIPTION

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# TECHNICAL DESCRIPTION

## 1. INTRODUCTION

The European Data Protection Board (EDPB) is an independent European body, which contributes to the consistent application of data protection rules throughout the European Union, and promotes cooperation between the EU's data protection authorities.

It is established by Regulation 2016/679 (General Data Protection Regulation or GDPR). The EDPB's tasks are listed in article 70 of GDPR and they include among others:

- providing general guidance to clarify the law and to promote a common understanding or EU data protection laws;
- Issuing opinions to ensure consistency of the activities of national Supervisory Authorities on cross border matters (Art. 64 GDPR).
- adopting binding decisions addressed to the national Supervisory Authorities and aiming to settle disputes arising between them when they cooperate to enforce the GDPR, with the purpose of ensuring the correct and consistent application of the GDPR in individual cases;
- promoting and supporting the cooperation among national Supervisory Authorities.

The EDPB has a permanent secretariat whose missions are laid down in article 75 of GDPR and include providing analytical, administrative and logistical support to the Board.

The EDPB 2021-2023 strategy has identified the **need for improved collaboration** between authorities. In particular, pillar 2 of the strategy (supporting effective enforcement and efficient cooperation between national supervisory authorities) calls for the establishment of **a Support Pool of Experts (SPE),** with a view of providing material support in the form of expertise that is useful for investigations and enforcement activities and to enhance the cooperation and solidarity between all SAs. Its Terms of Reference[1] were adopted on 15 December 2020.

The SPE involves both the EDPB and external experts.

In December 2021, the EDPB further identified topics and areas of expertise for which the SPE could be used. This includes and is not limited to support in the context of a specific investigative procedure, methodological tools for inspections (and capacity building), as well as elaborating documentation on national case law. In the context of the establishment of the SPE, EDPB is looking for experts with a high level of expertise and professional experience.

[1] https://edpb.europa.eu/sites/default/files/files/file1/edpb_document_supportpoolofexpertstor_en.pdf

The objective of this call for expressions of interest is to set up a list, containing sub-lists as specified in point 3 below, of external experts for the implementation of the EDPB's Support Pool of Experts, for the period 2022-2024.

## 2. TASKS AND ACTIVITIES OF THE EXPERTS

The subject matter experts could be expected to perform any tasks in the area of enforcement support and coordination, including one or more of the following:

- Support / participate in investigation activities (as approved and authorised by SAs, under the direction and management of national authorities, and in compliance with applicable laws) – e.g. scoping, evidence gathering and analysis, participating in a remote or onsite inspection, digital forensics / analysing data in a lawful manner and for use in regulatory procedures and/or court proceedings.
- Provide advisory services for the development and documentation of investigatory support tools and methods (in particular in technical fields) or for the purchase and use of specialist technical equipment, in order to ensure that regulatory procedures can be carried out in as effective and efficient manner as possible.
- Provide legal advisory services on the use of specific forensic methods to gather evidential quality that can be relied on in the course of a regulatory procedure and/or in court proceedings.
- Produce (written and oral) high-quality, clear, concise, and when required sufficiently detailed contributions, according to their expertise in the project selected. This may cover both technical and methodological contributions as well as non-technical/summative contributions.
- Participate in any face-to-face meetings and teleconferences organised, including as appropriate in working groups.

*It should be noted that the subject matter experts are appointed "ad personam" and will not be considered as representatives of their organization or affiliation they are employed with.*

*For this reason, the successful applicant will be required to complete a 'Legal Entity' identification form (LE) in their own name, as a 'natural person' and not in the name of their employer. If the applicant has a 100% owned private company, then this may exceptionally be used to complete the LE form.*

## 3. FIELDS OF EXPERTISE SOUGHT

EDPB will from time to time need to involve external subject matter experts to participate in and provide their expertise for various projects in the field of enforcement support and coordination; the range of activities is determined in line with needs of EDPB.

This call seeks natural persons/external experts to assist the EDPB in a personal capacity.

The EDPB welcomes expressions of interest from experts in many sectors, i.e. academia, research, industry, EU institutions, etc. with a relevant expertise in one or several of the following fields (each item below being a "sub-list"):

A. Technical expertise in new technologies and information security (including but not limited to the following):

1. IT auditing, information security auditing.
2. Website security, Mobile OS, internet of things, mobile application.
3. Digital forensics, Eavesdropping techniques, MITM proxy.
4. Cloud computing architectures, cloud computing models, cloud infrastructures, cloud services, cloud trust and security.
5. Behavioural advertising, digital tracking, cookies, fingerprinting, RTB and internet advertising (programmatic advertising, ad exchanges, demand side platforms, SSP, data brokers, consent management platforms), ePrivacy.
6. Anonymisation and pseudonymisation techniques; Risk analysis and attacks with respect to data re-identification (including inference attacks); Privacy enhancing technologies.
7. Cryptology; (a)symmetric cryptography; Hash functions, digital signature, message authentication; Cryptanalysis methodologies, techniques and tools; Crypto material management Key management, PKI; Homomorphic encryption; Mathematical foundations of cryptography.
8. Digital identity management and Trust Services (including security of electronic identification schemes, authentication, digital signatures); eIDAS; zero trust, identity federation; Age verification ; Biometrics including facial recognition.
9. Artificial intelligence.
10. UX, web design and dark patterns.

11. DPIA, personal data breaches, risk management.

12. Fintech.

13. Data science or statistical analysis in this field.

14. Experience in conducting exercises / training in the above.

B. Legal expertise in new technologies (including but not limited to the following):

1- Policy monitoring.

2- Digital laws, EU legal framework on data protection and privacy, legislation on forensics.

3- Digital ethics.

4- Statistical analysis in this field of activity.

**4. EXCLUSION CRITERIA**

Experts shall be excluded from participation if the natural person is in one of the following situations:

a. it is bankrupt, subject to insolvency or winding-up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under Union or national law;

b. it has been established by a final judgement or a final administrative decision that the person is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;

c. it has been established by a final judgment or a final administrative decision that the person is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:
    i. fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of eligibility or selection criteria or in the performance of a contract or an agreement;
    ii. entering into agreement with other persons or entities with the aim of distorting competition;

iii. violating intellectual property rights;
iv. attempting to influence the decision-making process of the contracting authority during the award procedure;
v. attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;

d. it has been established by a final judgment that the person is guilty of any of the following:
i. fraud, within the meaning of Article 3 of Directive (EU) 2017/1371 and Article 1 of the Convention on the protection of the European Communities' financial interests , drawn up by the Council Act of 26 July 1995;
ii. corruption, as defined in Article 4(2) of Directive (EU) 2017/1371 or active corruption within the meaning of Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, drawn up by the Council Act of 26 May 1997, or conduct referred to in Article 2(1) of Council Framework Decision 2003/568/JHA, or corruption as defined in other applicable laws;
iii. conduct related to a criminal organisation, as referred to in Article 2 of Council Framework Decision 2008/841/JHA;
iv. money laundering or terrorist financing, within the meaning of Article 1(3), (4) and (5) of Directive (EU) 2015/849 of the European Parliament and of the Council;
v. terrorist offences or offences related to terrorist activities as well as of inciting, aiding, abetting or attempting to commit such offences as defined in Articles 3, 14 and Title III of Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism;
vi. child labour or other offences concerning trafficking in human beings as referred to in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;

e. it has shown significant deficiencies in complying with the main obligations in the performance of a contract or an agreement financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by a contracting authority, the European Anti-Fraud Office (OLAF) or the Court of Auditors;

f. it has been established by a final judgment or final administrative decision that the economic operator has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;

g. it has been established by a final judgment or final administrative decision that the person has created an entity in a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations in the jurisdiction of its registered office, central administration or principal place of business.

## 5. ELIGIBILITY CRITERIA

Based on the self-declared application forms received, only candidates who meet the following minimum criteria will automatically be considered to be included in the list of external experts dependent on endorsement by an evaluation committee:

- Have fully completed their application form;
- Have experience in using English as a working language;
- Have a university degree in a relevant area, preferably at post-graduate level
- Have a minimum of three years of relevant professional experience,
- Have minimum 12 months of experience in the selected fields of expertise during the last 5 years;
- Have provided a self-assessment of their competence in the selected sub-fields
- Have provided a CV preferably in Europass format. The template (preferably in English) can be downloaded from the following web link: https://europass.cedefop.europa.eu and which highlights the years of experience the applicant has in the specified fields.

Exceptionally, candidates who are close to the minimum requirements for years of experience or who have a unique skillset, may be considered for evaluation and inclusion in the List.

*Only candidates whose nationality and bank accounts meet the requirements stemming from Article 176 of the Financial Regulation (Regulation 2018/1046 of the European Parliament and of the Council of 18 July 2018) can be awarded a contract.*
*(i.e. Are a national of, or working for a legal entity of one of the Member States of the EU or EEA; have a bank account in an EU Member State or EEA).*

## 6. SELECTION CRITERIA

Applicants will be evaluated according to their technical and professional capacity to meet the requirements of the Field(s) for which they are applying, following the criteria below:

- Relevance of their current job responsibilities and expertise to each of the 'Fields' applying for.
- Professional certifications held and publications will be taken into consideration.
- Their experience based on previous participation in similar projects; in particular, participation in relevant EU projects with Supervisory Authorities will be considered an advantage.

More specifically, an applicant may provide the following documentation/information:

- A **list of projects or publications** related to their declared field(s) of interest in the past 3 years. Without evidence of recent activity then it will be difficult to judge the applicant's suitability and level of experience.
- **Professional certifications** and references (e.g. links) to **publications**.

## 7. DURATION OF THE LIST OF EXPERTS

The CEI List of Experts compiled as a result of this procedure will be **valid for two years from dispatch of this notice and may be extended for two more years.**

**Interested parties may submit an expression of interest at any time prior to the last three months of validity of the list**.

New applications will be evaluated on a regular basis in order to update the List with successful applicants.

## 8. OWNERSHIP AND USE OF RESULTS

The results produced (including copyright and other intellectual or industrial property rights) will belong to the contracting authority. The rights will be obtained for the full term of intellectual property protection, from the moment the results are delivered and approved. Delivery and approval are considered to constitute an effective assignment of rights. This transfer of rights is free of charge.

## 9. ESTIMATED BUDGET

Each selected Expert will be remunerated with a fixed fee of €450 per person-day plus any travel and subsistence related costs, which will be based on EDPS's applicable rules.

A successful applicant who is added to the CEI List may be invited to participate in one or more projects. The threshold of the directive on public procurement (2014/24/EU) applies to the total of all payments to be made to each expert throughout the duration of this list of experts. If an expert has concluded contracts for a total amount exceeding €15 000 in a calendar year, the name, the locality (region of origin), amount, and subject of the contracts shall be published on the website of the contracting authority no later than 30 June of the year following contract award. The information shall be removed two years after the year of contract award.

## 10. DATA PROTECTION

Details on the processing of personal data associated to this procedure[2] are available at https://edpb.europa.eu/edpb-specific-privacy-statements_en

## 11. GENERAL

It is clarified that EDPB is not limited to only appointing experts registered in this database. It may select in a transparent manner any individual expert with the appropriate skills not included in the database, if deemed appropriate and in duly justified cases.

Please note that for any particular project, EDPB has the possibility under the regulations governing Calls for Expressions of Interest to conduct a simplified tender procedure whereby all Experts already placed on the List of Experts for a particular field, will be invited to provide a tailored offer for the project.
The offers received will then be evaluated on the basis of relevance and experience for the specific project, with the best submission evaluated being awarded the contract.

It is also noted that applicants that do not wish to or cannot be remunerated due to their primary employment contracts, are also eligible to apply for inclusion in the List of Experts, indicating this in the respective field of the CEI Application form.

These applicants will still be entitled to reimbursement of any travel and subsistence costs incurred from their participation in a project, should they wish to be reimbursed.

**Expressions of interest should be submitted in one of the official languages of the European Union by electronic means at the following address: https://ec.europa.eu/eusurvey/runner/PoolOfExperts**

In case of question please contact edpb@edpb.europa.eu by adding [SPE CEI] in the subject of the email.

[2] If personal data is processed by the expert, this must be done in accordance with the written instructions of the data controller. Appropriate technical and organisational security measures are in place to address data processing risks (preventing unauthorised access, reading, copying, alteration or deletion of personal data, etc.).

The Contracting authority shall acknowledge receipt of the expression of interest (directly in the web interface at the end of the registration process) and shall proceed to the registration of the expert on the list (sub-list(s)) as soon as possible (and in any case within 3 months) after the date of the reception of the expression of interest as above.

**Inclusion on the list (sub-list(s)) entails no obligation on the part of the contracting authority concerning the conclusion of contracts.**

**Contracting authority**

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